

THE HONORABLE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

VALERIE SAMPSON and DAVID RAYMOND, on
their own behalf and on the behalf of all
others similarly situated,

NO. 2:17-cv-00028-JCC

JOINT STATUS REPORT

Plaintiffs,

v.

KNIGHT TRANSPORTATION, INC., an Arizona
corporation, KNIGHT REFRIGERATED, LLC, an
Arizona limited liability company, and KNIGHT
PORT SERVICES, LLC, an Arizona limited liability
company,

Defendants.

In accordance with this Court's order of June 14, 2018 (Dkt. # 92), the Parties
respectfully submit this joint status report.

On June 14, 2018, the Court certified the following question to the Washington
Supreme Court: "Does the Washington Minimum Wage Act require non-agricultural
employers to pay their piece-rate employees per hour for time spent performing activities
outside of piece-rate work?" Dkt. # 92.

On September 5, 2019, the Washington Supreme Court answered the certified
question "no." See *Sampson v. Knight Transportation, Inc.*, 193 Wn.2d 878, 448 P.3d 9 (2019).

The Court issued its Certificate of Finality on October 16, 2019. Plaintiffs believe the Court may proceed based on the class briefing already on file (Dkt Nos. 52, 70, 77, 79, 82, and 83). Defendants disagree and request that the Court submit a timetable for additional briefing so that Defendants may address both the Washington Supreme Court decision and additional caselaw that bears on certification of the remaining issues in the case. If the Court grants Defendants' request, Plaintiffs respectfully ask the Court to allow them to reply to Defendants' brief.

RESPECTFULLY SUBMITTED AND DATED this 9th day of December, 2019.

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CERTIFICATE OF SERVICE

I, Toby J. Marshall, hereby certify that on December 9, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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